

2854



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alan John Lunn
Serial No. : 09/764,926
Filed : January 18, 2001
Title : MARKING DEVICE

Art Unit : 2854
Examiner : Nguyen, A.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AMENDMENT IN REPLY TO ACTION OF SEPTEMBER 15, 2003

Please consider the following remarks as follows:

REMARKS

We acknowledge the Examiner's indication that claims 1-13 and 53-57 are allowed and that claims 16-23, 28, 29, 33-39, and 46-52 would be allowable if rewritten to be in independent form including all of the limitations recited in base and intervening claims. Although the Examiner indicates that claims 53-57 are allowed, the front page of the office action (PTOL-326) indicates that the claims are rejected. It appears from a full reading of the office action that the Examiner intended that claims 53-57 be allowed. This inconsistency aside, we submit that we are entitled to the protection afforded by independent claims 14 and 30, as well as their dependent claims.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 15, 2003
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